

SUPPLEMENTARY RETURN

(78a)

TO AN ADDRESS OF THE HOUSE OF COMMONS, DATED THE 30TH MARCH, 1903, for copies of all Orders in Council, correspondence, despatches and documents, relating to the disallowance by the Governor in Council of Statutes of the province of British Columbia, during the past five years.

R. W. SCOTT,

Secretary of State.

GOVERNMENT HOUSE,
VICTORIA, B.C., May 29, 1902.

The Honourable the Secretary of State,
Ottawa, Canada.

I have the honour to transmit to you, herewith, a copy of a Minute approved by me on the 28th instant, covering a Report of my Attorney General upon the intimation received from the Committee of the Privy Council that certain Acts passed by the Provincial Legislature, in 1901, will be disallowed unless amended.

HENRI G. JOLY DE LOTBINIERE,
Lieutenant Governor.

The Committee of Council have had before them the accompanying report of the Attorney General upon the intimation received from the Committee of the Privy Council that certain Acts passed by the legislature of British Columbia during the Session of 1901 will be disallowed unless amended.

The Committee concurring in the said report, recommend that a copy of the same be forwarded to the Secretary of State for the information of the Privy Council.

VICTORIA, May 28, 1902.

J. D. PRENTICE,
Clerk, Executive Council.

Approved May 28, 1902.

HENRI G. JOLY DE LOTBINIERE,
Lieutenant Governor.

To His Honour the Lieutenant Governor in Council.

The undersigned has the honour to report as follows upon the intimation received from the Dominion Executive that certain of the Statutes enacted by the legislature of British Columbia during the year 1901, will be disallowed unless amended:—

Chapter 10, 1901—‘An Act to amend the Companies Act, 1897.’

The undersigned has the honour to recommend that the amendments to this Act suggested in the report to Council of the Honourable the Minister of Justice bearing date December 27, 1901, be made during the present Session of the legislature.

Chapter 25, 1901—‘An Act respecting the Fisheries of British Columbia.’

The undersigned has the honour to recommend that the amendments suggested in the report to Council upon this Act of the Honourable the Minister of Justice, bearing date December 26, 1901, be made during the present Session of the legislature.

Chapter 32, 1901—‘An Act to authorize a Loan of Five Million Dollars for the purpose of aiding the construction of railways and other public works.

In his report to Council upon this Act bearing date December 27, 1901, the Honourable the Minister of Justice takes certain objections to this legislation.

The undersigned has the honour to report that by a Bill now before the House it is proposed to repeal this Act.

Chapter 37, 1901—‘An Act to amend the “Inspection of Metalliferous Mines Act” and amending Act.’

It does not appear the Honourable the Minister of Justice has recommended the disallowance of this Act. It is so clear that this legislation should not be interfered with that the undersigned would not in any event recommend its amendment or repeal.

Chapter 46, 1901—‘An Act to provide for the Collection of a tax on Persons.’

By his report to Council upon this Act bearing date December 27, 1901, the Honourable the Minister of Justice took exception to certain provisions contained in this enactment. The undersigned thereupon had certain correspondence with the Minister and as appears by a communication bearing date February 21, 1902, received from the Deputy Minister of Justice, the Minister does not propose to recommend the disallowance of this Statute.

Chapter 65, 1901—‘An Act to amend the Arrowhead and Kootenay Railway Company Act, 1898.’

Chapter 69, 1901—‘An Act to incorporate the Coast Kootenay Railway Company, Limited.’

Chapter 70, 1901—‘An Act to amend the Columbia and Western Railway Company Act, 1896.’

Chapter 71, 1901—‘An Act to incorporate the Comox and Cape Scott Railway Company.’

Chapter 72, 1901—‘An Act to incorporate the Crawford Bay Railway Company.’

Chapter 77, 1901—‘An Act to incorporate the Imperial Pacific Railway Company.’

Chapter 78, 1901—‘An Act to incorporate the Kamloops and Atlin Railway Company.’

Chapter 79, 1901—‘An Act to incorporate the Kootenay Central Railway Company.’

Chapter 81 1901—‘An Act to incorporate the Midway and Vernon Railway Company.’

Chapter 83, 1901—An Act to incorporate the Queen Charlotte Islands Railway Company.’

Chapter 84, 1901—‘An Act to incorporate the Vancouver and Grand Forks Railway Company.’

Chapter 87, 1901—‘An Act to incorporate the Yale Northern Railway Company.’

Each of the above Acts chaptered respectively 65, 69, 70, 71, 72, 77, 78, 79, 81, 83, 84 and 87 contains a clause prohibiting the employment of aliens upon the said railways unless it is demonstrated to the satisfaction of the Lieutenant Governor in Council that the work cannot be proceeded with without the employment of such aliens. On account of this provision the Minister in his report to Council upon these Acts bearing date December 27, 1901, recommends the disallowance of these Statutes unless the said provision be struck out before the time for disallowance expires. As great confusion might be caused by the disallowance of these Acts the undersigned has the honour to recommend that an Act be passed to repeal said provision in all of said Acts.

SESSIONAL PAPER No. 78a

Chapter 68, 1901—‘An Act to incorporate the Chilcat and Klehini Railway and Navigation Company.’

Chapter 80, 1901—‘An Act to incorporate the Lake Bennett Railway Company.’

In his last-mentioned report the Minister makes certain observations upon the provision contained in said chapters 68 and 80 and also in other Acts respecting the fixing of freight and passenger rates by the Lieutenant Governor in Council in the event of said railways being brought under the exclusive jurisdiction of Canada. The Minister does not recommend the disallowance of these Acts on this score and they do not contain the alien labour clause.

Chapter 85, 1901—‘An Act to incorporate the Victoria Terminal Railway and Ferry Company.’

This Act contains the said alien labour clause to which the minister objects. Section 26 of the draft agreement, which is a part of said Act, provides that no Chinese or Japanese person shall be employed upon any of the works or undertakings agreed with the City of Victoria to be carried out. The undersigned has requested the Council of the city of Victoria to advise him what action the city proposes to take towards reforming this agreement, and the by-law by which it was ratified, to render them unobjectionable to the Minister of Justice. As this matter has not yet been dealt with by the Council of Victoria, the undersigned is not in a position to make any recommendation respecting this Act.

Chapter 86, 1901—‘An Act empowering the Corporation of the City of Victoria to lease the Market Building Premises, and otherwise carry into effect the Victoria Terminal By-law, 1900.’

By this Act the by-law ratifying the agreement set out in the last-mentioned Act is validated. For the reasons above mentioned, the undersigned is not in a position to make any recommendation respecting this Act.

Dated this 27th day of May, A.D., 1902.

D. M. EBERTS,
Attorney General.

